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January 14, 2020

RECEIVED
JAN 17 2020
SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court - Court of Appeals
1220 Senate St.
Columbia, S.C. 29201

RE: Tekayah Hamilton, individually and as parent and guardian ad litem for Robert Lee Middleton, Jr., a minor child under the age of eighteen v. The Regional Medical Center
Case No.: 2015-CP-38-01234
Appellate Case No.: 2019-001921

Dear Ms. Kitchings:

This is to follow-up my discussion with Latoyla Burns. In my letter to the Court on December 9, 2019, I previously advised that I ordered the transcript during the pendency of the post-trial matters and received same. It was not until around Christmas of this year, however, that I realized we were missing portions of the transcript that dealt with a number of pre-trial Motions *in limine*. It is my understanding that the court reporter, Hilda Jordan, has retired from South Carolina Court Administration. I was able to get contact information and send her an email on/or about December 30, 2019, requesting the remainder of the transcript.

I have heard back from Ms. Jordan and apparently she has all of her original tapes and is trying to find this portion of the transcript and will advise if it maybe transcribed.

The transcript that I received to date is over 450 pages as this was a 3 day trial. Obviously, I did not realize that we were missing these critical portion of the transcript. I have attached pages 78 and 151 of the transcript to reflect objections and directives from the trial Court regarding prior rulings that are contained in the pre-trial Motion section of the transcript, which is critical to my brief and still remain outstanding.

I wanted to advise the Court that as I do not have the entire transcript and therefore, I would ask that the time for filing my initial brief to be stayed pursuant to SCACR Rule 207. I also spoke to Ms. Burns regarding whether or not I need to contact the South Carolina Court Administration to formerly request this since Ms. Jordan is retired, or if my personal request to Ms. Jordan is sufficient.

I certainly apologize to the Court for not realizing that I did not have this portion of the transcript when I wrote my letter on December 9, 2019.

Out of abundance of caution, I am enclosing a \$50.00 check in case there is a filing fee necessary for this request.

I thank you for your attention to this matter.

Yours Truly,



Michael C. Tanner

MCT/bi

enclosure

cc: Jonathan F. Krell, Esquire

David R. Williams, Esquire

1 Ms. Stobbs as an expert in nursing.

2 THE COURT: You said an expert in nursing?

3 MR. KRELL: Nursing.

4 THE COURT: Okay.

5 MR. TANNER: Subject to my prior objection if
6 you'd note that for the record, Your Honor.

7 THE COURT: All right.

8 Ladies and gentlemen of the jury she has been qualified
9 as an expert in nursing. And I just tell you a little
10 something. Normally, a person cannot give opinion
11 testimony. Normally, when a person testifies, they must
12 testify as to what they either saw, heard or sensed by smell
13 or something of that nature. However, there is an exception
14 when someone is qualified because of education or
15 experience. They are permitted to give their opinions in
16 certain areas if the Court qualifies them that way. This
17 witness has been qualified in the area of nursing care and
18 may give an opinion in that area. It is evidence for you to
19 use in any way that you see fit.

20 All right. You may continue.

21 MR. KRELL: Thank you, Your Honor.

22 THE COURT: Thank you.

23 BY MR. KRELL:

24 Q Have you had a chance to review documents regarding
25 R.J.?

1 sitting on top of his hand full up with fluid. And the
2 whole hand had turned black.

3 MR. KRELL: Your Honor, may I show the witness
4 some documents, please?

5 THE COURT: Sure.

6 BY MR. KRELL:

7 Q I'm going to show you these two documents and ask if
8 you could identify this, please?

9 A Yeah. And it had puss.

10 Q What's that?

11 A That's how his hand looked. The back of his hand.

12 Q Whose hand is this?

13 A R.J.

14 Q And do you know who took that photograph?

15 A His daddy took it.

16 Q Okay. His daddy took it?

17 A Uh-huh. (Affirmative response)

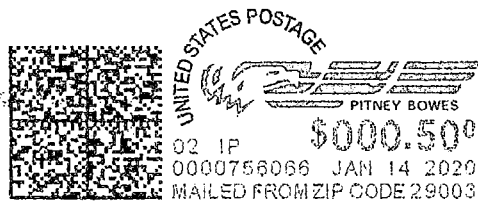
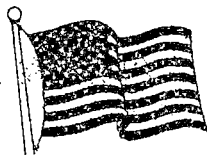
18 MR. KRELL: Your Honor, at this time I move to
19 admit Plaintiff's Exhibit No. 1 into evidence.

20 ~~MR. TANNER: Same objection I made earlier, Your~~
21 ~~Honor.~~

22 ~~THE COURT: And I note your objection on the~~
23 ~~record, but it is in evidence as a true and accurate copy of~~
24 ~~the hand that day. Your objection is preserved.~~

25 MR. TANNER: Thank you, Your Honor.

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